

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KPN B.V.

Plaintiff,

- against-

CORCYRA D.O.O.,
KSD PACIFIC, LLC,
MOSHE HAR ADIR, and
YOSSI ATTIA

Defendants.

**DECLARATION OF JOSEPH G.
MCCARTY IN SUPPORT OF
MOTION TO DISMISS AND
MOTION TO QUASH SERVICE
FILED BY MOSHE HAR ADIR**

Civil Action No. 08 CV 1549 (JGK)

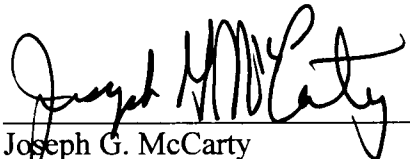
I, JOSEPH G. McCARTY, being first duly sworn, declare and allege as follows:

1. I am an attorney duly authorized to practice law before the Courts of the State of California. I have a pro hac vice application pending before this Court. I have personal knowledge of the facts set forth herein and if called as a witness I could, and would, so competently testify hereto.
2. I requested from Plaintiff's counsel a true copy of the Declaration of Service upon Defendant Moshe Har Adir. In response I received a declaration, a true and accurate copy of which is attached hereto as Exhibit "1".
3. Not received from Plaintiff's counsel, but instead obtained from the Court's PACER website is an apparent second declaration of service, a true and accurate copy of which is attached as Exhibit "2".

I declare under penalty of perjury pursuant to the Laws of the United States of America, the State of California, and the State of New York that the preceding is true and

correct.

Executed in the City of Los Angeles, State of California on the 30th day of May,
2008.



Joseph G. McCarty

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
KPN B.V.,	:
	:
Plaintiff,	:
	:
-against-	:
	:
CORCYRA D.O.O., KSD PACIFIC LLC,	:
MOSHE HAR ADIR, and YOSSE ATTIA,	:
	:
Defendants,	:
-----X	

08 CV 1549 (JGK)

ECF CASE

DECLARATION OF SERVICE

KURT R. VELLEK hereby declares under penalty of perjury that:

1. I am over 18 years of age, not a party to this action, and reside in Mahopac, New York. I am employed by the law firm of Allen & Overy LLP and I am a licensed New York City process server. My license number is 826793.
2. On Friday, February 15, 2008 at approximately 4:50 p.m., I personally served the summons and complaint upon defendant Moshe Har Adir by his attorney Elliot H. Lutzker, at his offices at Philips Nizer LLP, 666 Fifth Avenue, 28th Floor, New York, New York.
3. The receptionist initially informed Mr. Lutzker over the phone that I was serving legal papers, but he refused to come to the reception area and directed the receptionist to refuse the papers as well. I informed her that the agreement specified that service needed to be made to Mr. Lutzker, and left the papers on the desk.
4. "Jane Doe", the receptionist on the 28th floor offices of Philips Nizer LLP, may be described as a white female in her early fifties with a medium build, with reddish brown hair, and wearing glasses.
5. Also, on February 19, 2008 I caused an additional copy of the summons and complaint to be served by overnight delivery upon Corcyra d.o.o. c/o Moshe Har Adir, to Verudela 17, Pula, Croatia 52100, pursuant to the agreement. Upon information and belief and according to the records of Federal Express, the package (tracking no. 798377910058) was never claimed.
6. In addition, on February 19, 2008 I caused an additional copy of the summons and complaint to be

served by overnight delivery upon Corcyra d.o.o. c/o Moshe Har Adir, to Valdabeckiput 118, Pula, Croatia 52100, pursuant to the agreement. Upon information and belief and according to the records of Federal Express, the package (tracking no. 798377922316) was never claimed.

Dated: March 31, 2008
New York, New York


KURT R. VELLEK

EXHIBIT 2

FD-40 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

KPN B.V.

SUMMONS IN A CIVIL ACTION

V.

CORCYRA D.O.O.,
KSD PACIFIC, LLC,
MOSHE HAR ADIR, and
YOSSI ATTIA

CASE NUMBER:

08 CV 1549

JUDGE KOELTL

TO: (Name and address of Defendant)

Moshe Har Adir
Valdabeci put 118 Pula Croatia 52100

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Allen & Overy LLP
1221 Avenue of the Americas
New York, NY 10020
Attn: Jacob S. Pultman

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Wanda Luntero

DATE

FEB 14 2008

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KPN B.V.,	:	
	:	
Plaintiff,	:	08 CV 1549 (JGK)
	:	
-against-	:	ECF CASE
	:	
CORCYRA D.O.O., KSD PACIFIC LLC,	:	
MOSHE HAR ADIR, and YOSSE ATTIA,	:	
	:	<u>DECLARATION OF SERVICE</u>
	:	
Defendants,	:	
	:	

-----X

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1. I am over 18 years of age, not a party to this action, and reside in Mahopac, New York. I am employed by the law firm of Allen & Overy LLP and I am a licensed New York City process server. My license number is 826793.
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Dated: March 31, 2008
New York, New York


KURT R. VELLEK

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 08 CV 1549

KEN B.V.

, Plaintiff(s)

- against -

CORCYRA D.O.O., KSD PACIFIC, LLC, MOSHE HAR ADIR, AND YOSSE ATTIA

, Defendant(s)

State of California)

SS.:

County of Los Angeles)

AFFIDAVIT OF SERVICE

Ignacio Gutierrez being duly sworn, deposes and says that he is over the age of 18 years; is not a party to this action and resides within the State of California. That on 03/10/2008 at 2:13 PM at:

164 N. STANLEY DRIVE
BEVERLY HILLS CA 90069

Deponent served the:

SUMMONS IN A CIVIL ACTION AND COMPLAINT

upon MOSHE HAR ADIR,

by delivering a true copy to:

Jane Doe (refused last name), Person In Charge Of Premis

who stated that they were authorized to accept service on behalf of:

MOSHE HAR ADIR.

Within 20 days of such service, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at:

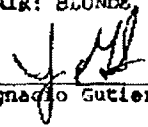
MOSHE HAR ADIR
164 N. STANLEY DRIVE
BEVERLY HILLS CA 90069

and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within California State. The envelope bore the legend "PERSONAL & CONFIDENTIAL" and did not indicate by return address or otherwise that the communication was from an attorney or concerned an action against the recipient.

To the best of my knowledge, based on information and belief, the said recipient at the time of service was not engaged in the military service of the United States or California. Recipient wore ordinary civilian clothing and no military uniform.

Deponent describes the individual served as follows:

AGE: 42 HEIGHT: 5'6" WEIGHT: 135 HAIR: BLONDE RACE: WHITE SEX: FEMALE


Ignacio Gutierrez

License #5066

SWORN TO BEFORE ME

April 11, 2008

OUR DOC# 20656

Allen & Overy

1221 Avenue of The Americas

New York NY 10020

646-344-6694

